

**Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 08-0416.01 Esther van Mourik

HOUSE BILL 08-1025

HOUSE SPONSORSHIP

Weissmann,

SENATE SPONSORSHIP

Tupa,

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE GOVERNOR'S ENERGY OFFICE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Statutorily creates the governor's energy office (office) within the office of the governor. Specifies the director as the head of the office. Establishes duties and powers of the office and the director.

Makes conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

HOUSE
3rd Reading Unamended
January 30, 2008

HOUSE
Amended 2nd Reading
January 29, 2008

1 **SECTION 1.** Title 24, Colorado Revised Statutes, is amended BY
2 THE ADDITION OF A NEW ARTICLE to read:

3 **ARTICLE 38.5**

4 **Governor's Energy Office**

5 **24-38.5-101. Governor's energy office - creation.** (1) THERE
6 IS HEREBY CREATED WITHIN THE OFFICE OF THE GOVERNOR THE
7 GOVERNOR'S ENERGY OFFICE, THE HEAD OF WHICH SHALL BE THE
8 DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE. THE DIRECTOR OF THE
9 OFFICE SHALL BE ASSISTED BY A DEPUTY DIRECTOR AND A STAFF TO
10 FULFILL THE OFFICE'S MISSION TO LEAD COLORADO TO A NEW ENERGY
11 ECONOMY BY ADVANCING ENERGY EFFICIENCY AND RENEWABLE, CLEAN
12 ENERGY RESOURCES.

13 (2) STAFF OF THE GOVERNOR'S ENERGY OFFICE SHALL INCLUDE BUT
14 NOT BE LIMITED TO REGIONAL REPRESENTATIVES TO HELP ENGAGE
15 MUNICIPALITIES, CONSUMERS, BUSINESSES, AND OTHERS WITH THE
16 ENERGY PROGRAMS OF THE OFFICE. THE REGIONAL REPRESENTATIVES
17 SHALL EXPEDITE PROGRAMS AND SERVE AS A LOCAL RESOURCE TO
18 COMMUNITIES THROUGHOUT COLORADO.

19 **24-38.5-102. Governor's energy office - duties and powers.**

20 (1) THE GOVERNOR'S ENERGY OFFICE SHALL:

21 (a) WORK WITH COMMUNITIES, UTILITIES, PRIVATE AND PUBLIC
22 ORGANIZATIONS, AND INDIVIDUALS TO PROMOTE RENEWABLE ENERGY
23 SUCH AS WIND, SOLAR, AND GEOTHERMAL, AND ENERGY EFFICIENCY
24 TECHNOLOGIES;

25 (b) DEVELOP PROGRAMS TO PROMOTE HIGH PERFORMANCE
26 BUILDINGS FOR COMMERCIAL AND RESIDENTIAL MARKETS;

27 (c) MAKE STATE GOVERNMENT MORE ENERGY EFFICIENT;

- 1 (d) PROMOTE TECHNOLOGY TRANSFER AND ECONOMIC
2 DEVELOPMENT;
- 3 (e) ADVANCE ENERGY EFFICIENCY AND RENEWABLE ENERGY
4 THROUGHOUT THE STATE AS SPECIFIED IN SECTION 24-75-1201;
- 5 (f) IMPLEMENT AND ADMINISTER A WIND FOR SCHOOLS PROJECT
6 PURSUANT TO ARTICLE 89 OF TITLE 22, C.R.S.;
- 7 (g) WORK WITH THE COLORADO ENERGY RESEARCH INSTITUTE TO
8 PROVIDE GRANTS TO ADVANCE ENERGY-EFFICIENT DESIGN AND
9 CONSTRUCTION AS SPECIFIED IN SECTION 23-41-114 (4) (b) (VI), C.R.S.;
- 10 (h) DISTRIBUTE MONEY TO THE RENEWABLE ENERGY AUTHORITY
11 AS SPECIFIED IN SECTION 24-47.5-103 (1);
- 12 (i) SEND AN OFFICE REPRESENTATIVE TO THE POLLUTION
13 PREVENTION ADVISORY BOARD ASSISTANCE COMMITTEE PURSUANT TO
14 SECTION 25-16.5-105.5 (2) (c) (III), C.R.S.;
- 15 (j) ENSURE THAT INFORMATION EXPLAINING THE REQUIREMENTS
16 OF ENERGY CODES IS AVAILABLE AND PROVIDE TECHNICAL ASSISTANCE
17 CONCERNING THE IMPLEMENTATION AND ENFORCEMENT OF ENERGY
18 CODES TO BOTH COUNTIES AND MUNICIPALITIES AS SPECIFIED IN SECTIONS
19 30-28-211 (7) AND 31-15-602 (7), C.R.S.;
- 20 (k) COLLABORATE WITH THE STATE BOARD OF LAND
21 COMMISSIONERS REGARDING RENEWABLE ENERGY RESOURCE
22 DEVELOPMENT AS SPECIFIED IN SECTION 36-1-147.5 (4), C.R.S.;
- 23 (l) PROVIDE HOME ENERGY EFFICIENCY IMPROVEMENTS FOR
24 LOW-INCOME HOUSEHOLDS AS SPECIFIED IN SECTION 39-29-109 (1.5),
25 C.R.S., AND PREPARE AND SUBMIT TO THE GENERAL ASSEMBLY AN
26 ANNUAL REPORT AS SPECIFIED IN SECTION 39-29-109 (1.5) (h) (V), C.R.S.;
- 27 (m) ESTABLISH AND MANAGE A PROGRAM TO IMPROVE ENERGY

1 EFFICIENCY IN PUBLIC SCHOOLS AS PROVIDED IN SECTION 39-29-109.5,
2 C.R.S.;

3 (n) PROVIDE PUBLIC UTILITIES WITH REASONABLE ASSISTANCE, IF
4 REQUESTED, IN SEEKING AND OBTAINING SUPPORT AND SPONSORSHIP FOR
5 AN IGCC PROJECT AS DEFINED IN SECTION 40-2-123 (2) (b) (I), C.R.S.,
6 AND MANAGE AND DISTRIBUTE TO THE UTILITY SOME OR ALL OF ANY
7 FUNDS PROVIDED BY THE STATE OR BY THE UNITED STATES GOVERNMENT
8 TO THE STATE FOR PURPOSES OF STUDY OR DEVELOPMENT OF AN IGCC
9 PROJECT AS SPECIFIED IN SECTION 40-2-123 (2) (j), C.R.S.; AND

10 (o) CONVENE THE TASK FORCE ON RENEWABLE RESOURCE
11 GENERATION DEVELOPMENT AREAS AND CONTRACT, IF NECESSARY, WITH
12 A MEDIATOR OR OTHER THIRD PARTY TO FACILITATE THE
13 ACCOMPLISHMENT OF THE TASK FORCE'S DUTIES PURSUANT TO SECTION
14 40-4-116 (2) (a) (I), C.R.S., AND ACCEPT PRIVATE GIFTS, GRANTS, AND
15 DONATIONS FOR THE PURPOSE OF PROVIDING SUPPORT TO THE TASK FORCE
16 TO PERFORM ITS RESPONSIBILITIES AS SPECIFIED IN SECTION 40-4-116 (5),
17 C.R.S.

18 (2) THE DIRECTOR OF THE GOVERNOR'S ENERGY OFFICE SHALL
19 SERVE AS CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE COLORADO
20 CLEAN ENERGY DEVELOPMENT AUTHORITY AS SPECIFIED IN ARTICLE 9.7 OF
21 TITLE 40, C.R.S.

22 **SECTION 2.** 22-89-103 (1), Colorado Revised Statutes, is
23 amended to read:

24 **22-89-103. Definitions.** As used in this article, unless the context
25 otherwise requires:

26 (1) ~~"Office of energy management and conservation" means the~~
27 ~~office of energy management and conservation within the office of the~~

1 ~~governor or any successor office that is created within the office of the~~
2 ~~governor for the purpose of promoting energy management or~~
3 ~~conservation~~ "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S
4 ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S.

5 **SECTION 3.** 22-89-104 (1) and (2) (a), Colorado Revised
6 Statutes, are amended to read:

7 **22-89-104. Wind for schools grant program - created -**
8 **applications.** (1) There is hereby created the wind for schools grant
9 program to fund wind for schools projects at qualified schools. A
10 qualified school may, with the written authorization of the local board of
11 education, apply to the GOVERNOR'S ENERGY office, ~~of energy~~
12 ~~management and conservation~~, in accordance with procedures and
13 deadlines adopted by the office, to receive moneys through the grant
14 program. The office shall administer the grant program as provided in
15 this article and pursuant to policies adopted by the office.

16 (2) (a) The GOVERNOR'S ENERGY office ~~of energy management~~
17 ~~and conservation~~ shall adopt policies specifying when a qualified school
18 may request a grant and the procedure for making the request.

19 **SECTION 4.** 22-89-105, Colorado Revised Statutes, is amended
20 to read:

21 **22-89-105. Wind for schools grant program - policies -**
22 **awarding grants.** (1) The GOVERNOR'S ENERGY office ~~of energy~~
23 ~~management and conservation~~ shall adopt policies for the implementation
24 of the wind for schools grant program. At a minimum, the policies shall
25 specify the procedures for applying for a grant, the form of the grant
26 application, the information to be provided by the applicant, and the
27 criteria for awarding grants.

1 (2) (a) ~~The GOVERNOR'S ENERGY office of energy management~~
2 ~~and conservation~~ shall review each grant application received from a
3 qualified school pursuant to section 22-89-104 and shall make a
4 determination as to whether the grant should be awarded and, except as
5 provided in paragraph (c) of this subsection (2), the amount of the grant.
6 If the office determines an application is missing any information
7 required by the office's policy to be included with the application, the
8 office may contact the applicant to obtain the missing information.

9 (b) In awarding grants pursuant to this article, the GOVERNOR'S
10 ENERGY office ~~of energy management and conservation~~ shall consider, at
11 a minimum, whether a qualified school:

12 (I) Would reduce its electricity costs by the implementation of a
13 wind for schools project; and

14 (II) Has a plan in place to incorporate the implementation of a
15 wind for schools project into its educational curriculum.

16 (c) A qualified school shall not receive an aggregate amount of
17 grants pursuant to this article that exceeds five thousand dollars.

18 (3) ~~The GOVERNOR'S ENERGY office of energy management and~~
19 ~~conservation~~ shall use at least fifty thousand dollars for the
20 implementation of this grant program from the existing resources of the
21 office. ~~of energy management and conservation.~~ The minimum funding
22 requirement for the implementation of this grant program may be met in
23 one or more fiscal years. ~~The office of the governor~~ shall not submit a
24 request for an appropriation or a supplemental appropriation for this
25 purpose.

26 **SECTION 5.** 23-41-114 (4) (b) (VI) (A), Colorado Revised
27 Statutes, is amended to read:

1 **23-41-114. Colorado energy research institute - creation.**

2 (4) The institute shall conduct:

3 (b) The following specific research and educational programs
4 designed to meet the information needs of the department of natural
5 resources, other agencies of the state's executive branch, the legislature,
6 and the public:

7 (VI) (A) To provide grants through the governor's ENERGY office
8 ~~of energy management and conservation~~ CREATED IN SECTION
9 24-38.5-101, C.R.S., for the development of a central resource for
10 building trade professionals, including contractors, engineers, architects,
11 and designers, for the purpose of increasing available tools and education
12 to advance energy-efficient design and construction.

13 **SECTION 6.** 24-47.5-103 (1), Colorado Revised Statutes, is
14 amended to read:

15 **24-47.5-103. Funding - appropriations contingent on receipt**
16 **of federal grant moneys - repeal.** (1) For the state fiscal year
17 commencing on July 1, 2006, and in each of the state fiscal years
18 commencing on July 1, 2007, and July 1, 2008, the general assembly shall
19 appropriate two million dollars from the operational account of the
20 severance tax trust fund created in section 39-29-109, C.R.S., to the
21 governor's ENERGY office ~~of energy management and conservation, or any~~
22 ~~analogous successor office~~ CREATED IN SECTION 24-38.5-101, for
23 distribution to the authority for the purposes specified in section
24 24-47.5-102; except that, if grants of federal moneys equal to or
25 exceeding the amount of state moneys appropriated pursuant to this
26 article have not been received by June 30, 2012, the unexpended and
27 unencumbered balance of said appropriation shall revert to the

1 operational account of the severance tax trust fund.

2 **SECTION 7.** 24-75-1201, Colorado Revised Statutes, is amended
3 to read:

4 **24-75-1201. Clean energy fund - creation - use of fund -**
5 **definitions.** (1) (a) The clean energy fund is hereby created in the state
6 treasury. The principal of the fund shall consist of moneys transferred to
7 the fund at the end of the 2006-07 state fiscal year and at the end of each
8 succeeding state fiscal year from the limited gaming fund created in
9 section 12-47.1-701 (1), C.R.S., in accordance with section 12-47.1-701
10 (5), C.R.S., and from moneys received by the governor's energy office ~~or~~
11 ~~any successor office,~~ pursuant to section 39-29-109 (1.5), C.R.S., in
12 accordance with section 39-29-109 (1.5) (h) (VII), C.R.S. Interest and
13 income earned on the deposit and investment of moneys in the clean
14 energy fund shall be credited to the fund. Moneys in the fund at the end
15 of any state fiscal year shall remain in the fund and shall not be credited
16 to the state general fund or any other fund.

17 (b) FOR PURPOSES OF THIS SECTION, "GOVERNOR'S ENERGY OFFICE"
18 MEANS THE GOVERNOR'S ENERGY OFFICE CREATED IN SECTION
19 24-38.5-101.

20 (2) (a) All moneys in the clean energy fund are continuously
21 appropriated to the governor's energy office ~~or any successor office,~~ for
22 the purposes of advancing energy efficiency and renewable energy
23 throughout the state. ~~The office may expend moneys from the fund:~~

24 (b) THE GOVERNOR'S ENERGY OFFICE MAY EXPEND MONEYS FROM
25 THE CLEAN ENERGY FUND:

26 (I) To attract renewable energy industry investment in the state;

27 (II) To assist in technology transfer into the marketplace for newly

1 developed energy efficiency and renewable energy technologies;

2 (III) To provide market incentives for the purchase and

3 distribution of energy efficient and renewable energy products;

4 (IV) To assist in the implementation of energy efficiency projects

5 throughout the state;

6 (V) To aid governmental agencies in energy efficiency

7 government initiatives;

8 (VI) To facilitate widespread implementation of renewable energy

9 technologies; and

10 (VII) TO ASSIST IN DEVELOPING COMMUNITY COLLEGE-LEVEL

11 CURRICULA ON ALTERNATIVE AND RENEWABLE ENERGIES FOR USE IN

12 WORK FORCE TRAINING FOR JOBS IN RENEWABLE ENERGY. ANY MONEYS

13 EXPENDED PURSUANT TO THIS SUBPARAGRAPH (VII) SHALL BE IN THE

14 FORM OF A BLOCK GRANT FOR NO MORE THAN FIVE YEARS. A COMMUNITY

15 COLLEGE MAY PARTNER IN THE DEVELOPMENT OF CURRICULA WITH

16 ORGANIZATIONS THAT HAVE EXISTING CURRICULUM AND TRAINING

17 PROGRAMS ON ALTERNATIVE AND RENEWABLE ENERGIES. FOR PURPOSES

18 OF THIS SUBPARAGRAPH (VII), "RENEWABLE ENERGY" HAS THE SAME

19 MEANING AS SET FORTH IN SECTION 40-1-102 (11), C.R.S.

20 (VIII) In any other manner that serves the purposes of advancing

21 energy efficiency and renewable energy throughout the state.

22 (c) (I) SUBJECT TO THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS

23 PARAGRAPH (c), THE MONEYS IN THE CLEAN ENERGY FUND MAY ALSO BE

24 USED BY THE GOVERNOR'S ENERGY OFFICE TO MAKE GRANTS OR LOANS TO

25 PERSONS, AS DEFINED IN SECTION 2-4-401 (8), C.R.S., FOR USE IN

26 CARRYING OUT THE PURPOSES OF THIS PART 12. THE GOVERNOR'S ENERGY

27 OFFICE SHALL CONSIDER THE FOLLOWING INFORMATION IN DETERMINING

1 WHETHER TO MAKE A GRANT OR LOAN:
2 (A) THE AMOUNT OF THE GRANT OR LOAN;
3 (B) THE QUANTIFIED IMPACT ON ENERGY DEMAND OR AMOUNT OF
4 CLEAN ENERGY PRODUCTION GENERATED AS A RESULT OF THE GRANT OR
5 LOAN;
6 (C) THE POTENTIAL ECONOMIC IMPACT OF THE GRANT OR LOAN;
7 AND
8 (D) THE PUBLIC BENEFITS EXPECTED TO RESULT FROM THE GRANT
9 OR LOAN.
10 (II) THE GOVERNOR'S ENERGY OFFICE MAY ESTABLISH TERMS AND
11 CONDITIONS FOR MAKING GRANTS OR LOANS PURSUANT TO THIS SECTION
12 AND IN ACCORDANCE WITH THE OBJECTIVES OF THE OFFICE AS SET FORTH
13 IN SECTION 24-38.5-102.

14 **SECTION 8.** 25-16.5-105 (1) (m) (I), Colorado Revised Statutes,
15 is amended to read:

16 **25-16.5-105. Powers and duties of the advisory board -**
17 **advanced technology fund.** (1) The advisory board shall have the
18 following powers and duties:

19 (m) (I) In accordance with the provisions of subparagraph (II) of
20 this paragraph (m), to submit an annual report to the department of local
21 affairs, the department, the governor's ENERGY office ~~of energy~~
22 ~~management and conservation~~ CREATED IN SECTION 24-38.5-101, C.R.S.,
23 and the standing committee of reference in each house of the general
24 assembly exercising jurisdiction over matters concerning public health
25 and the environment.

26 **SECTION 9.** 25-16.5-105.5 (2) (c) (III), Colorado Revised
27 Statutes, is amended to read:

1 **25-16.5-105.5. Pollution prevention advisory board assistance**
2 **committee - appointments - membership - definitions.** (2) (c) The
3 members appointed to the committee shall include representatives of
4 industry, nonprofit and community organizations, state agencies, and
5 local governments in accordance with the following:

6 (III) One member of the committee shall be a representative of the
7 governor's ENERGY office ~~of energy management and conservation~~
8 CREATED IN SECTION 24-38.5-101, C.R.S.

9 **SECTION 10.** 30-28-211 (2) (b) and (2) (c), Colorado Revised
10 Statutes, are amended to read:

11 **30-28-211. Energy efficient building codes - legislative**
12 **declaration - definitions.** (2) As used in this section, unless the context
13 otherwise requires:

14 (b) "Energy code" means, at a minimum, the 2003 international
15 energy conservation code, or any successor edition, published by the
16 international code council or any other code determined by the
17 GOVERNOR'S ENERGY office ~~of energy management and conservation~~
18 CREATED IN SECTION 24-38.5-101, C.R.S., to be more appropriate for local
19 conditions.

20 (c) "Office" means the GOVERNOR'S ENERGY office ~~of energy~~
21 ~~management and conservation within the office of the governor or any~~
22 ~~successor office that is created within the office of the governor for the~~
23 ~~purpose of promoting energy management or conservation~~ CREATED IN
24 SECTION 24-38.5-101, C.R.S.

25 **SECTION 11.** 31-15-602 (2) (b) and (2) (c), Colorado Revised
26 Statutes, are amended to read:

27 **31-15-602. Energy efficient building codes - legislative**

1 **declaration - definitions.** (2) As used in this section, unless the context
2 otherwise requires:

3 (b) "Energy code" means, at a minimum, the 2003 international
4 energy conservation code, or any successor edition, published by the
5 international code council or any other code determined by the
6 GOVERNOR'S ENERGY office ~~of energy management and conservation~~
7 CREATED IN SECTION 24-38.5-101, C.R.S., to be more appropriate for local
8 conditions.

9 (c) "Office" means the GOVERNOR'S ENERGY office ~~of energy~~
10 ~~management and conservation within the office of the governor or any~~
11 ~~successor office that is created within the office of the governor for the~~
12 ~~purpose of promoting energy management or conservation~~ CREATED IN
13 SECTION 24-38.5-101, C.R.S.

14 **SECTION 12.** 36-1-147.5 (4), Colorado Revised Statutes, is
15 amended to read:

16 **36-1-147.5. Leasing arrangements for renewable energy**
17 **resources development - legislative declaration - definitions.** (4) The
18 state board of land commissioners shall collaborate with the GOVERNOR'S
19 ENERGY office ~~of energy management and conservation~~ AS CREATED IN
20 SECTION 24-38.5-101, C.R.S., to ensure that potential renewable energy
21 resource developers are aware of any lands identified by the board as
22 being suitable for development of renewable energy resources.

23 **SECTION 13.** 39-29-109 (1.5) (b) (II), (1.5) (c) (II), (1.5) (d) (I)
24 (B), (1.5) (e) (I) (B), the introductory portions to 39-29-109 (1.5) (h) (I)
25 and (1.5) (h) (III), 39-29-109 (1.5) (h) (IV), the introductory portion to
26 (1.5) (h) (V), and 39-29-109 (1.5) (h) (VI), (1.5) (h) (VII), (1.5) (i) (IV),
27 and (8) (a), Colorado Revised Statutes, are amended to read:

1 **39-29-109. Severance task trust fund - created -**
2 **administration - use of moneys - definitions - repeal.** (1.5) (b) For the
3 state fiscal year commencing on July 1, 2005, the general assembly shall
4 appropriate twenty-four million dollars from the operational account of
5 the severance tax trust fund as follows:

6 (II) Four million dollars shall be appropriated to the GOVERNOR'S
7 ENERGY office ~~of the governor to be used by the office of energy~~
8 ~~management and conservation~~ to provide home energy efficiency
9 improvements for low-income households.

10 (c) For the state fiscal year commencing on July 1, 2006, the
11 general assembly shall appropriate eleven million dollars from the
12 operational account of the severance tax trust fund as follows:

13 (II) Four million dollars shall be appropriated to the GOVERNOR'S
14 ENERGY office ~~of the governor to be used by the office of energy~~
15 ~~management and conservation~~ to provide home energy efficiency
16 improvements for low-income households.

17 (d) (I) For the state fiscal year commencing on July 1, 2007, the
18 general assembly shall appropriate twelve million dollars, or a lesser
19 amount as set forth in subparagraph (II) of this paragraph (d), as follows:

20 (B) Five million dollars shall be appropriated to the GOVERNOR'S
21 ENERGY office ~~of the governor to be used by the office of energy~~
22 ~~management and conservation~~ to provide home energy efficiency
23 improvements for low-income households.

24 (e) (I) For the state fiscal year commencing on July 1, 2008, the
25 general assembly shall appropriate thirteen million dollars, or a lesser
26 amount as set forth in subparagraph (II) of this paragraph (e), as follows:

27 (B) Six million dollars shall be appropriated to the GOVERNOR'S

1 ENERGY office ~~of the governor to be used by the office of energy~~
2 ~~management and conservation~~ to provide home energy efficiency
3 improvements for low-income households.

4 (h)(I) The GOVERNOR'S ENERGY office ~~of energy management and~~
5 ~~conservation~~ shall use moneys it receives pursuant to this subsection (1.5)
6 for a program to provide home energy efficiency improvements for
7 low-income households, which shall include any of the following
8 services:

9 (III) In carrying out the program to improve the home energy
10 efficiency of low-income households, the GOVERNOR'S ENERGY office ~~of~~
11 ~~energy management and conservation~~ shall:

12 (IV) The GOVERNOR'S ENERGY office ~~of energy management and~~
13 ~~conservation~~ may use up to five percent of the moneys appropriated
14 pursuant to this subsection (1.5) for planning, overseeing, and evaluating
15 the program to improve the home energy efficiency of low-income
16 households. The office shall not hire additional state employees using
17 these moneys to implement the program, but may contract with nonprofit
18 organizations, for-profit organizations, and governmental entities as is
19 necessary to carry out the program.

20 (V) For any fiscal year in which moneys are expended as part of
21 the program to improve the home energy efficiency of low-income
22 households, the GOVERNOR'S ENERGY office ~~of energy management and~~
23 ~~conservation~~ shall prepare and submit to the general assembly an annual
24 report that specifies:

25 (VI) If in a given fiscal year that commences before July 1, 2006,
26 the GOVERNOR'S ENERGY office ~~of energy management and conservation~~
27 determines that it cannot use all of the moneys it receives pursuant to this

1 subsection (1.5), the office shall notify the governor and the joint budget
2 committee of the general assembly of such fact. Upon notification, the
3 general assembly may make a supplemental appropriation to reduce the
4 amount appropriated to the office and increase the amount appropriated
5 to the department of human services for the purpose of increasing
6 available funds under the low-income energy assistance program.

7 (VII) If in a given fiscal year that commences on or after July 1,
8 2006, the governor's energy office ~~or any successor office~~, cannot use all
9 of the moneys it receives pursuant to this subsection (1.5) for the program
10 described in subparagraph (I) of this paragraph (h), at the end of the fiscal
11 year the state treasurer shall transfer the moneys that the office cannot use
12 to the clean energy fund created in section 24-75-1201 (1), C.R.S.

13 (i) As used in this subsection (1.5), unless the context otherwise
14 requires:

15 (IV) ~~"Office of energy management and conservation" means the~~
16 ~~office of energy management and conservation within the office of the~~
17 ~~governor or any successor office that is created within the office of the~~
18 ~~governor for the purpose of promoting energy management or~~
19 ~~conservation~~ "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S
20 ENERGY OFFICE AS CREATED IN SECTION 24-38.5-101, C.R.S.

21 (8) (a) Subject to the end balance requirement of paragraph (f) of
22 subsection (1.5) of this section and the maintenance of a two-year reserve
23 pursuant to sub-subparagraph (A) of subparagraph (III) of paragraph (c)
24 of subsection (1) of this section, for three state fiscal years beginning with
25 the state fiscal year commencing on July 1, 2006, a portion of the
26 operational account of the severance tax trust fund shall be appropriated
27 to the governor's ENERGY office ~~of energy management and conservation~~,

1 ~~or analogous successor office~~, for distribution to the Colorado renewable
2 energy authority created in section 24-47.5-101, C.R.S., for the purposes
3 stated in section 24-47.5-102 (2), C.R.S. The amount appropriated shall
4 be two million dollars per year, subject to the limitations stated in section
5 24-47.5-102, C.R.S., and in this paragraph (a). If there are insufficient
6 moneys in the operational account to make all appropriations and
7 transfers at the highest level authorized by law, the appropriations
8 authorized by this subsection (8) and subsection (8.5) of this section shall
9 be reduced pro rata as necessary to accommodate all appropriations and
10 transfers at the highest level authorized by law other than this subsection
11 (8) and subsection (8.5) of this section.

12 **SECTION 14.** 39-29-109.5 (1), Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

14 **39-29-109.5. Interest differential - public school energy**
15 **efficiency fund - creation - uses - definitions - repeal.** (1) As used in
16 this section, unless the context otherwise requires:

17 (a.5) "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S
18 ENERGY OFFICE AS CREATED IN SECTION 24-38.5-101, C.R.S.

19 **SECTION 15.** 39-29-109.5 (2) and the introductory portion to
20 39-29-109.5 (3), Colorado Revised Statutes, are amended to read:

21 **39-29-109.5. Interest differential - public school energy**
22 **efficiency fund - creation - uses - definitions - repeal.** (2) On
23 December 1, 2007, and the first day of every third month thereafter up to
24 and including September 1, 2010, the legislative council staff shall
25 calculate the interest differential earned during the prior calendar quarter
26 and notify the state treasurer of such amount. Upon receiving notice, the
27 treasurer shall transfer an amount equal to the interest differential from

1 the severance tax funds to the public school energy efficiency fund, which
2 is hereby created in the state treasury; except that the total transfer to the
3 fund for any state fiscal year shall not exceed one million five hundred
4 thousand dollars. Moneys in the fund are hereby continuously
5 appropriated to the GOVERNOR'S ENERGY office ~~of the governor to be used~~
6 ~~by the governor's energy office, or an analogous successor office,~~ for the
7 purposes set forth in subsection (3) of this section. All income and
8 interest derived from the deposit and investment of the moneys in the
9 fund shall be credited to the fund.

10 (3) ~~The governor's energy office or an analogous successor office,~~
11 shall use moneys appropriated from the fund to establish and manage a
12 program to improve energy efficiency in public schools. In administering
13 the program, the ~~governor's energy office or an analogous successor~~
14 ~~office,~~ shall give consideration to whether a public school or school
15 district is located in an area socially or economically impacted by the
16 development, processing, or energy conversion of minerals and mineral
17 fuels subject to taxation under this article. The program shall include the
18 following features:

19 **SECTION 16.** 40-2-123 (2) (j), Colorado Revised Statutes, is
20 amended to read:

21 **40-2-123. New energy technologies - consideration by**
22 **commission - incentives - demonstration projects.** (2) (j) In order to
23 reduce the cost to Colorado consumers of an IGCC project, the
24 department of public health and environment, the governor's office of
25 economic development, and the governor's ENERGY office ~~of energy~~
26 ~~management and conservation~~ may provide public utilities with
27 reasonable assistance in seeking and obtaining financial and other support

1 and sponsorship for a project from the United States congress, the United
2 States department of energy, and other appropriate federal and state
3 agencies and institutions. To obtain this assistance, the utility may
4 provide to these state agencies copies of its IGCC project proposal. The
5 governor's ENERGY office ~~of energy management and conservation~~ shall
6 manage and distribute to the utility some or all of any funds provided by
7 the state of Colorado or by the United States government to the state of
8 Colorado for purposes of study or development of an IGCC project.

9 **SECTION 17.** 40-4-116 (2) (a) (I), (5), and (6) (a), Colorado
10 Revised Statutes, are amended to read:

11 **40-4-116. Renewable resource generation development areas**
12 **- task force - fund - definitions.** (2) **Membership.** (a) The task force
13 shall consist of sixteen members as follows:

14 (I) The director of the governor's energy office, ~~or any successor~~
15 ~~office created within the office of the governor,~~ or his or her designee,
16 who shall convene the task force and who is authorized to contract with
17 a mediator or other third party to facilitate accomplishment of the task
18 force's duties;

19 (5) **Funding.** (a) The governor's energy office ~~or any successor~~
20 ~~office created within the office of the governor~~ may accept private gifts,
21 grants, and donations for the purpose of providing support to the task
22 force to perform its responsibilities specified in this section. Any such
23 gifts, grants, and donations shall be held in the renewable resource
24 generation development areas fund, also referred to in this section as the
25 "fund", which fund is hereby created in the state treasury. The fund shall
26 also consist of moneys appropriated and transferred to the fund. Earnings
27 from investment of the fund shall be credited to the fund. Moneys in the

1 fund shall be annually appropriated to the governor's energy office ~~or any~~
2 ~~successor office created within the office of the governor~~ for the purpose
3 of carrying out the provisions of this section. Any unexpended or
4 unencumbered moneys remaining in the fund as of January 1, 2008, shall
5 revert to the ~~office of the governor to be used by the~~ governor's energy
6 office. ~~or any successor office created within the office of the governor.~~

7 (b) It is the intent of the general assembly that the governor's
8 energy office ~~or any successor office created within the office of the~~
9 ~~governor~~ not be required to solicit gifts, grants, or donations from any
10 source for the purposes of this section and that no general fund moneys
11 be used to pay for grants awarded pursuant to this section or for any
12 expenses of the task force.

13 (c) If, by July 1, 2007, moneys in the fund created pursuant to
14 paragraph (a) of this subsection (5) have not reached an amount sufficient
15 to pay the expenses of the task force, the task force shall not meet, nor
16 undertake any other duties pursuant to this section, and the governor's
17 energy office ~~or any successor office created within the office of the~~
18 ~~governor~~ shall return to each grantor or donor an amount equal to such
19 grantor's or donor's contribution. The interest, if any, earned from the
20 investment of moneys in the account shall be transferred to the general
21 fund.

22 (6) **Definitions.** As used in this section, unless the context
23 otherwise requires:

24 (a) "Governor's energy office" means the governor's energy office
25 ~~or any successor office, created within the office of the governor for the~~
26 ~~purpose of promoting energy management or conservation~~ AS CREATED
27 IN SECTION 24-38.5-101, C.R.S.

1 **SECTION 18.** 40-9.7-103, Colorado Revised Statutes, is
2 amended BY THE ADDITION OF A NEW SUBSECTION to read:

3 **40-9.7-103. Definitions.** As used in this article, unless the context
4 otherwise requires:

5 (8.5) "GOVERNOR'S ENERGY OFFICE" MEANS THE GOVERNOR'S
6 ENERGY OFFICE AS CREATED IN SECTION 24-38.5-101, C.R.S.

7 **SECTION 19.** 40-9.7-104 (2) (a) (IV), Colorado Revised
8 Statutes, is amended to read:

9 **40-9.7-104. Colorado clean energy development authority -**
10 **creation - board membership.** (2) The authority shall be governed by
11 a board of directors, which shall exercise the powers of the authority and
12 shall be composed of nine members, including:

13 (a) The following four ex officio members of the executive branch
14 of state government or their designees:

15 (IV) The director of the governor's ENERGY office, ~~of energy~~
16 ~~management and conservation~~, who shall serve as the chairperson of the
17 board.

18 **SECTION 20. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, and safety.